



5738  
Attorney/Docket No. 31132.129  
Customer No. 000027683

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
Kelly, et al. § Group Art Unit: 3738  
Serial No. 10/600,052 §  
Filed: June 20, 2003 § Examiner: Unknown  
For: WEAR-RESISTANT §  
ENDOPROSTHETIC DEVICES §

INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and are not in any order based on their pertinence.

Pursuant to 37 CFR §1.98(d), no copies of the cited references are enclosed since the references were provided in the parent applications, U.S. Serial No. 09/923,891 and U.S. Serial No. 09/924,298.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,

J. Andrew Lowes  
Registration No. 40,706

Date: 11/14/03  
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R-59782.1

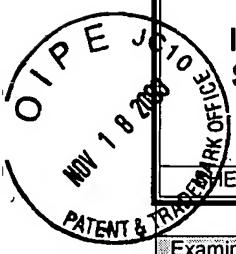
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Karen L. Underwood  
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In place of PTO-1449 Form	U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE			Complete if Known	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>					
1 SHEET	1	OF	5	Application Number	10/600,052
				Filing Date	June 20, 2003
				Applicant(s)	Kelly, et al.
				Art Unit	3738
				Examiner Name	Unknown
				Attorney Docket Number	31132.129



#### U. S. PATENT DOCUMENTS

Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A1	2677369	05/1954	Knowles
	A2	3486505	12/30/1969	Morrison
	A3	3574374	04/13/1971	Keller, et al.
	A4	3875595	04/08/1975	Froning
	A5	3876728	04/08/1975	Stubstad
	A6	4023572	05/17/1977	Weigand, et al.
	A7	4116200	09/26/1978	Braun, et al.
	A8	4179810	12/25/1979	Kirsch
	A9	4309777	01/12/1982	Patil
	A10	4349921	09/21/1982	Kuntz
	A11	4599086	07/1986	Doty
	A12	4645507	02/24/1987	Engelbrecht, et al.
	A13	4714469	12/22/1987	Kenna
	A14	4743256	05/10/1988	Brantigan
	A15	4757983	07/19/1988	Ray, et al.
	A16	4759766	07/26/1988	Buettner-Janz, et al.
	A17	4759769	07/26/1988	Hedman, et al.
	A18	4766328	08/23/1988	Yang
	A19	4777942	10/18/1988	Frey, et al.
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	A21	4834757	05/30/1989	Brantigan
	A22	4863476	09/05/1989	Shepperd
	A23	4863477	09/05/1989	Monson
	A24	4874389	10/17/1989	Downey
	A25	4878915	11/07/1989	Brantigan
	A26	4887595	12/19/1989	Heinig, et al.
	A27	4904260	02/27/1990	Ray, et al.
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	A29	4908032	03/13/1990	Keller
	A30	4908036	03/13/1990	Link, et al.
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	A32	4917704	04/17/1990	Frey, et al.
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	A36	4955908	09/11/1990	Frey, et al.
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	A38	4997432	03/05/1991	Keller
	A39	5002576	03/26/1991	Fuhrmann, et al.
	A40	5015247	05/14/1991	Michelson
	A41	5035716	07/30/1991	Downey
	A42	5047055	09/10/1991	Bao, et al.
	A43	5059193	10/22/1991	Kuslich
	A44	5059194	10/22/1991	Michelson

Examiner Signature	Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	10/600, 052
				Filing Date	June 20, 2003
				Applicant(s)	Kelly, et al.
				Art Unit	3738
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SHEET	2	OF	5	Attorney Docket Number	

U. S. PATENT DOCUMENTS				
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A45	5062845	11/05/1991	Kuslich, et al.
	A46	5071437	12/10/1991	Steffee
	A47	5080662	01/14/1992	Paul
	A48	5084048	01/28/1992	Jacob, et al.
	A49	5108438	04/28/1992	Stone
	A50	5122130	06/16/1992	Keller
	A51	5123926	06/23/1992	Pisharodi
	A52	5171280	12/15/1992	Baumgartner
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	A61	5261911	11/1993	Carl
	A62	5261913	11/16/1993	Marnay
	A63	5306308	04/26/1994	Gross, et al.
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	A66	5320644	06/14/1994	Baumgartner
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	A69	5401269	03/28/1995	BittnerJanz, et al.
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	A79	5489308	02/06/1996	Kuslich, et al.
	A80	5496318	03/05/1996	Howland, et al.
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	A82	5514180	05/07/1996	Heggeness, et al.
	A83	5527315	06/18/1996	Jeanson, et al.
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	A85	5534029	07/1996	Shima
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	A87	5545229	08/13/1996	Parsons, et al.
	A88	5549679	08/1996	Kuslich
	A89	5556431	09/17/1996	Buttner-Janz

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O I P E  
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STATEMENT BY APPLICANT  
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1 SHEET

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OF

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U. S. PATENT DOCUMENTS

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	A90	5562738	10/08/1996	Boyd, et al.
	A91	5571189	11/1996	Kuslich
	A92	5593409	01/14/1997	Michelson
	A93	5609636	03/11/1997	Kohrs, et al.
	A94	5645598	07/08/1997	Brosnahan
	A95	5649926	07/22/1997	Howland
	A96	5658285	08/19/1997	Marnay, et al.
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	A101	5676701	10/1997	Yuan, et al.
	A102	5683464	11/04/1997	Wagner, et al
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	A106	5720748	02/24/1998	Kuslich, et al.
	A107	5722977	03/03/1998	Wilhelmy
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	A120	5897087	04/27/1999	Farley
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	A122	5928284	07/27/1999	Mehdizadeh
	A123	5947971	09/07/1999	Kuslich, et al.
	A124	5976187	11/02/1999	Richelsoph
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	A126	5989291	11/23/1999	Ralph, et al.
	A127	6001130	12/14/1999	Bryan, et al.
	A128	6017008	01/25/2000	Farley
	A129	6022376	02/08/2000	Assell
	A130	6033363	03/07/2000	Farley, et al.
	A131	6059790	05/09/2000	Sand, et al.

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SERIAL	4	OF	5	Attorney Docket Number	31132.129



U. S. PATENT DOCUMENTS				
Examiner's Initials	Cite No.	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document
	A132	6059829	05/09/2000	Schlapfer, et al.
	A133	6063121	05/16/2000	Xavier, et al.
	A134	6066174	05/23/2000	Farris
	A135	6080155	06/27/2000	Michelson
	A136	6083228	06/04/2000	Michelson
	A137	6086595	07/11/2000	Yonemura, et al.
	A138	6096038	08/01/2000	Michelson
	A139	6139579	10/31/2000	Steffee, et al.
	A140	6156067	12/05/2000	Bryan, et al.
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	A142	6179874	01/30/2001	Cauthen
	A143	6228022	05/08/2001	Friesem, et al.
	A144	6228026	05/08/2001	Rull, et al.
	A145	6231609	05/15/2001	Mehdizadeh
	A146	2002/0151901	10/17/2002	Bryan, et al.

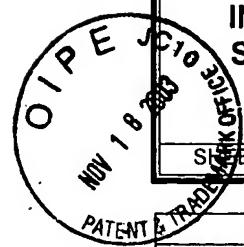
FOREIGN PATENT DOCUMENTS					
Examiner's Initials	Cite No.	Foreign Patent Document (Country Code - Number - Kind)	Publication Date MM-DD-YYYY	Patentee or Applicant of Cited Document	Translation Y/N
	B1	DE 2263842	07/1974	Hoffmann-Daimler	Yes
	B2	DE 30 23 353 A1	04/09/1981	Sulzer AG	
	B3	DE 2804936	08/02/1979	Sulzer AG	
	B4	SU 895433	01/07/1982	Russian Patent	No
	B5	EP 0176728	04/09/1986	Buttner-Janz, et al.	No
	B6	DE 37 41 493 A1	06/22/1989	Roland Man Druckmasch	
	B7	SU 1560184	04/30/1990	Russian Patent	No
	B8	Roll No. G 90 00 094.3	03/14/1991	Mecron Medizinische Produkte	Yes
	B9	EP 0 560 140 A1	09/15/1993	Buttner-Janz	No
	B10	DE 196 53 580	06/25/1998	Wolf	
	B11	WO 00/04839	02/03/2000	Nuvasive, Inc.	
	B12	WO 00/04851	02/03/2000	Spinal Dynamics Corporation	
	B13	WO 00/13619	03/16/2000	Spinal Dynamics Corporation	
	B14	WO 00/13620	03/16/2000	Spinal Dynamics Corporation	
	B15	WO 02 11633	02/14/2002	Spinal Dynamics Corporation	

OTHER PRIOR ART					
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published			
	C1	Brain, et al., "The Neurological Manifestations of Cervical Spondylosis", Brain: A Journal of Neurology, vol. 75; Macmillan & Co.; 1952; pp. 187-225.			
	C2	Buttner-Janz, et al.; "Biomechanics of the SB Charite Lumbar Intervertebral Disc Endoprosthesis"; International Orthopedics; vol. 13; 1989; pp. 173-176.			
	C3	Edeland; "Some Additional Suggestions for an Intervertebral Disc Prosthesis"; Dept. of Occupational Health; Vdvo PV AB; S-40508; Goteborg; Sweden; 1985 Butterworth & Co. Publishers Ltd.			

Examiner Signature	Date Considered
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OTHER PRIOR ART					
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published			
	C4	Enker et al.; "Artificial Disc Replacement"; Spine; vol. 18; No. 8; 1993; pp. 1061-1070.			
	C5	Hawkins, et al.; "Shear Stability of an Elastomeric Disk Spacer Within an Intervertebral Joint: A Parametric Study"; Journal of Biomechanical Engineering Technical Briefs; vol. 114; Aug. 1992; pp. 414-415.			
	C6	Hedman, et al.; "Design of an Intervertebral Disc Prosthesis"; Spine; vol. 17; No. 6; 1991; pp. S256-S260.			
	C7	Hellier, et al.; "Wear Studies for Development of an Intervertebral Disc Prosthesis"; Spine; vol. 17; No. 6 Supplement; 1992; S86-S96.			
	C8	Hood; "Far Lateral Lumbar Disc Herniations"; Neurosurgery Clinics of North America; vol. 4, No. 1; Jan. 1993; pp. 117-124.			
	C9	Langrana, et al.; "Finite-Element Modeling of the Synthetic Intervertebral Disc"; Spine; vol. 16; No. 6; 1991; pp. S245-S252.			
	C10	Lee, et al.; "Development of a Prosthetic Intervertebral Disc"; Spine; vol. 16; No. 6; 1991; pp. S253-S255.			
	C11	Lees, et al.; "Natural History & Prognosis of Cervical Spondylosis"; British Medical Journal; Dec. 28, 1963; British Medical Association, London, England; Copyright 1963; pp. 1607-1610.			
	C12	Long; "Failed Back Surgery Syndrome"; Neurosurgery Clinics of North America; vol. 2, No. 4; Oct. 1991; pp. 899-919.			
	C13	Ray; "The Artificial Disc-Introduction, History and Socioeconomics"; Clinical Efficacy and Outcome in the Diagnosis and Treatment of Low Back Pain; Raven Press, Ltd., NY; 1992; pp. 205-280.			
	C14	Robinson, et al.; "The Results of Anterior Interbody Fusion of the Cervical Spine"; The Journal of Bone & Joint Surgery; vol. 44-A, No. 8, Dec. 1962; pp. 1569-1587.			
	C15	Simeone and Rothman; "Cervical Disc Disease"; Pennsylvania Hospital & University of Pennsylvania; 1975; pp. 387-433.			
	C16	Solini, et al.; "Metal Cementless Prosthesis for Vertebral Body Replacement of Metastatic Malignant Disease of the Cervical Spine"; Journal of Spinal Disorders; vol. 2; No. 4; 1989; pp. 254-262.			
	C17	Taylor, Collier; "The Occurrence of Optic Neuritis in Lesions of the Spinal Cord, Injury, Tumor, Melitis"; Brain: A Journal of Neurology; vol. 24; Macmillan & Co. Ltd, 1901; pp. 532-550.			
	C18	Tie-sheng, et al.; "Lumbar Intervertebral Disc Prosthesis"; Chinese Medical Journal. 104-(5); 1991; pp. 381-386.			
	C19	Artificial Disc, Market Potential and Technology update, Viscogliosi Bros., LLC, February 2000, pp. 1-65.			
	C20	Boning-Up, The Musculoskeletal Healthcare Industry, Industry Commentary & Review of 1999, Viscogliosi Bros., LLC., March 10, 2000, pp. 1-33.			
	C21	Bryan Total Cervical Disc Prosthesis, Single Level Surgical Technique Manual, SPINAL Dynamics Corporation, 2000, 01080-004, pp. 29			
	C22	Morphology of the Human Skeleton, pp. 268-270; 283-291; 315-331; 489-495.			
	C23	Spine Industry Dynamics, Viscogliosi Bros., LLC., March 10, 2000, pp. 1-4.			

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